OATH/DECLARATION

The oath or declaration is defective. The examiner states:

> A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP§§ 602.01 and 602.02. The oath or declaration is defective because it does not identify the date that inventor Li Fun Chang signed the oath or declaration.

The applicant submits that the oath as submitted identifies the date that inventor Li Fun Chang signed the oath or declaration as December 31, 2003. Thus the applicant respectfully requests that the examiner withdraw the objection to the Oath.

CLAIM REJECTIONS - 35 USC § 112

Claims 27 and 28 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states:

> Claims 27 and 28 recite the limitation "The wireless terminal of claim 32". It is unclear which "wireless terminal" the limitation refers to since claim 32 does not exist.
>
> The limitation is suggested to be changed to -The wireless terminal of claim 21-.

The applicant submits that Claims 27 and 28 have been amended to overcome the rejection as being indefinite. Thus the applicant respectfully requests that the examiner withdraw the rejection to Claims 27 and 28.

Claim Rejections – 35 USC § 102

Claims 1-3 and 5-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by Tolmunen et al (6,658,235). The Examiner states:

> - Regarding to claim 1, Tolmunen et al discloses a method to determine whether a first wireless terminal (2) (see figure 3b) may transmit on an uplink to a servicing base station (see figure 3a) in a cellular wireless communication system, the method comprises:
>
> procedure (2) (see figure 3b) of receiving four Radio Frequency (RF) bursts from the servicing base station, wherein the four RF bursts carry a data block that includes: Uplink State Flag (USF) bits; and Data bits "stealing bits" carrying information on a channel encoding scheme intended for the first wireless terminal and at least a second wireless terminal which shares the same time slot with the first wireless terminal (see col. 4, line 27 to col. 6, line 65, col. 8, line 63 to col. 11 line 13), (the Data bits "stealing bits" considered here equivalent with the limitation "Data bits intended for a second wireless terminal"); procedure (comprising (14, 15,16,17, 18, 21) (see figure 3b)) of processing the four RF bursts to produce the data block in an encoded format; and partially decoding the data block in the encoded format to extract the USF bits (see col. 9, line 18 to col. 10, line 55); and procedure (2) of using the USF bits to determine whether the first wireless terminal may transmit on the

uplink to the servicing base station (see col. 10, line 53 to col. 11, line 13).

- Regarding to claim 2, Tolmunen et al discloses procedure (20) (see figure 3 b) of decoding the data block after, or namely in the background when, the USF bits have been extracted from the data block (see col. 10, line 37-55).

-Regarding to claim 3, Tolmunen et al discloses that the data block corresponds to a GSM frame and each RF burst corresponds to a GSM sub-frame of the GSM frame (see col. 4, lines 27-38).

-Regarding to claim 5, Tolmunen et al discloses that the first wireless terminal is a wireless terminal that operates according to the GSM standard (see col. 3, line 65 to col. 4, line 38, col. 8, lines 1-4).

-Regarding to claim 6, Tolmunen et al teaches that the data block is encoded according to a CS-1 encoding scheme of a GPRS portion of the GSM standard (see col. 3, line 65 to col. 4, line 38, col. 8, lines 1-4, col. 6, lines 43-49, col. 8, lines 30-49).

-Regarding to claim 7, Tolmunen et al discloses that the data block is encoded according to both an outer encoding scheme (5) and an inner encoding scheme (6, 8) (see figure 3a, col. 8, lines 30-60); and the procedure of partially decoding the data block includes partially decoding the data block according to only the inner encoding scheme (see col. 10, lines 37-55)

-Regarding to claim 8, Tolmunen et al discloses that the outer encoding scheme comprises a linear binary block coding scheme "CRC"; and the inner encoding scheme comprises convolutional encoding (see figure 3a, col. 8, lines 30-60).

-Regarding to claim 9, Tolmunen et al discloses that the outer encoding scheme comprises a block coding scheme "CRC", (considered here equivalent with the limitation "Fire encoding"), allowing error correction and error detection; and the inner encoding scheme comprises convolutional encoding (see figure 3a, col. 8, lines 30-60).

-Regarding to claim 10, Tolmunen et al discloses procedure (16) of deinterleaving the data block prior to partially decoding the data block (see figure 3b).

-Regarding to claim 11, Tolmunen et al discloses that the USF bits indicate: whether a corresponding uplink is available; and when the corresponding uplink is not available, an indication of a wireless terminal using the uplink (see col. 10, line 52 to col. 11, line 13).

-Regarding to claim 12, as similarly applied to claims 1-3, 5-11, set forth above and herein incorporated, Tolmunen et al discloses a wireless terminal (2) (see figure 3b) that comprises: a Radio Frequency (RF) front end (comprising (14)) operable to communicate with a servicing base station, wherein the RF front is operable to receive four RF bursts from the servicing base station

that carries a data block having Uplink State Flag (USF) bits and data bits intended for a differing wireless terminal and to down convert the four RF bursts to produce a baseband signal; a baseband processor (comprising (15, 16, 17) of communicatively coupled to the RF front end that is operable to receive the baseband signal from the RF front end and to process the baseband signal to produce the data block in an encoded format; and an enCOder/DECoder (CODEC) processing module (comprising (18, 21, 20) (see figure 3b) and/or (CODEC) (see figure 6)) of communicatively coupled to the baseband processor that is operable to: receive the data block in the encoded format from the baseband processor; partially decode the data block in the encoded format to extract the USF bits; fully decode data blocks carrying data bits intended for the wireless terminal; and encode outgoing data bits to produce outgoing data blocks in an encoded format (see col. 10, lines 37-51, col. 11, line 29 to col. 12, line 42).

-Claim 13 is rejected with similar reasons set forth for claim 2.

-Claim 14 is rejected with similar reasons set forth for claim 3.

-Claim 15 is rejected with similar reasons set forth for claim 5.

-Claim 16 is rejected with similar reasons set forth for claim 6.

-Claim 17 is rejected with similar reasons set forth for claim 7.

-Claim 18 is rejected with similar reasons set forth for claim 8.

-Claim 19 is rejected with similar reasons set forth for claim 9.

-Claim 20 is rejected with similar reasons set forth for claim 11.

-Regarding to claim 21, as similarly applied to claims 1-3, 5-20, set forth above and herein incorporated, Tolmunen et al discloses a wireless terminal (2) (see figure 3b) that comprises: a Radio Frequency (RF) front end (comprising (14)) (see figure 3b) operable to communicate with a servicing base station, wherein the RF front receives four RF bursts from the servicing base station that carries an data block having Uplink State Flag (USF) bits and data bits intended for a differing wireless terminal and to down convert the four RF bursts to produce a baseband signal; and a baseband processor (comprising (15, 16, 17, 18, 21, 20) (see figure 3b) and/or (CODEC) (see figure 6)) communicatively coupled to the RF front end that is operable to: receive the baseband signal from the RF front end and to process the baseband signal to produce the data block in an encoded format; partially decode the data block in the encoded format to extract the USF bits; fully decode other data blocks carrying data bits intended for the wireless terminal; and encode outgoing data bits to produce outgoing data blocks.

-Claim 22 is rejected with similar reasons set forth for claim 2.

-Claim 23 is rejected with similar reasons set forth for claim 3.

-Claim 24 is rejected with similar reasons set forth for claim 5.

-Claim 25 is rejected with similar reasons set forth for claim 6.

-Claim 26 is rejected with similar reasons set forth for claim 7.

-Claim 27 is rejected with similar reasons set forth for claim 8.

-Claim 28 is rejected with similar reasons set forth for claim 9

-Claim 29 is rejected with similar reasons set forth for claim 11.

The applicant respectfully submits that the limitations of allowable Claim 4 have been incorporated into the independent claims 4, 12, and 21. Thus the applicant respectfully submits that Claims 2-29 are allowable and requests that the rejection be withdrawn.

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 18, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 2-29.

While Applicants believe no fee is due with this transmission, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2126 of Garlick, Harrison and Markison.

Respectfully submitted,

By:_____

Robert A. McLauchlan
Reg. No. 44,924

ATTORNEY FOR APPLICANT

Dated: September 16, 2007

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number	BP3002
First Named Inventor	Li Fung Chang
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD TO EXTRACT UPLINK STATUS FLAG BITS IN A CELLULAR WIRELESS NETWORK

(Title of the Invention)

the specification of which
☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) ____ as United States Application Number or PCT International Application Number ____ and was amended on (MM/DD/YYYY) ____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checkign the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications Numbers(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119 (e), 120, or 365 (c) of any U.S. or PCT application(s) listed below.

Application Numbers(s)	Filing Date (MM/DD/YYYY)
60/478,922	6/16/2003

☐ Additional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION - Utility or Design Patent Application

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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NAME OF SECOND INVENTOR: [ ] A petition has been filed for this unsigned inventor

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Country	US		

[ ] Additional inventors are being named on the ____ supplemental Additional Inventor(s) sheets(s) PTO/SB/02A attached hereto.

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NAME OF THIRD INVENTOR: [ ] A petition has been filed for this unsigned inventor

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NAME OF FIFTH INVENTOR:	☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])		**Family Name or Surname**	
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NAME OF SIXTH INVENTOR:	☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	**Family Name or Surname**	
Inventor's		